

By way of the same Office Action, the Examiner has rejected claims 18-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, with respect to claims 21 and 22, the Examiner has asserted that the phrase "two parts" is unclear and confusing. This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims, for the following reasons.

Claim 21 has been amended to provide clarification to the phrase "two parts". In particular, the term "parts" has been replaced with the term "edges". It is respectfully submitted that such change is fully supported by the specification at page 6, lines 21-25 and page 7, lines 1-5, particularly, line 3. As described in this section, and as an example, edge portions of an approximately rectangularly shaped sheet are brought together and sealed after the rectangular shaped material is formed into a cup-like shape. Cutouts are made in the sheet, for placements of legs. Since the ~~rectangular shape is not circular when it is formed into a cup-like shape, its edges may be sealed~~ in an **edge-to-edge** fashion, a standing fashion or an overlapping fashion in order to create a diaper enclosure necessary to hold an infant. If the edges are not sealed, the thermoformed cup-like enclosure would be created, but would be open at the side waist portions (sides of the rectangular-shaped materials), where the two side edges of the rectangle come together. It is submitted that such language change should address the Examiner's concerns.

By way of the same Office Action, the Examiner has rejected claim 18 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608 in view of WO 98/58799, Kobylivker et al. (US Patent 6,002,064), McBride (US patent 4,880,422), and Winter (US Patent 4,765,999). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claim.

The Examiner should note that claim 18 has been amended to indicate that the film layer is either filled or inherently breathable and the foam layer is absorbent. Support for this amendment may be found in the specification at page 6, lines 10-17, and page 7, lines 11-25, and page 8, lines 1-12.

The Examiner has asserted that the DE 19653608 reference is silent as to the specific teaching on extruding the carrier film using a cast extrusion technique, and that the reference does not exclude extruding the film using a cast technique. It should be noted that the DE 19653608 reference describes a material of which all layers are of materials having similar characteristics. The material layers are both polyolefins. The carrier film materials are not described as being breathable. In contrast, the materials described in the current application include a filled or breathable film layer. Furthermore, the Examiner has asserted that the reference teaches a co-extruding technique using a multi-manifold die. Applicant would respectfully submit that the reference makes no specific mention of a "multi-manifold" cast die, as claimed, nor is there any suggestion for use of such. The Examiner has noted however, that the reference does suggest using a blown extrusion technique at page 4, lines 12-14.

Applicant would respectfully assert that since the material described in the current application includes layers demonstrating different raw material manufacturing requirements and performance characteristics, such a product would be better made on a cast multi-manifold die as opposed to through some other manufacturing technique, such as lamination. In this regard, the Examiner has asserted that cast and blown extrusion techniques are well known functional equivalents, and has cited WO 98/58799, Kobylivker et al., McBride and Winter for support. Applicant would assert that multi-manifold cast-dies and blown dies are functionally different apparatus, and while both may be used to form films, the type of die used may determine both the properties of the produced film, and be determined in order to accommodate differences in the starting raw materials. In particular, in producing a multilayered sheet of raw materials differing in chemistry, melt temperature, and viscosity, and with differing performance attributes (such as that described in the present application), one would not use a blown film apparatus, but would in fact use a cast multi-manifold die system. See in this regard, the attached literature, including the EDI Advances newsletter, dated Fall 2000 and Spring 2001, which support this proposition. As the technical literature demonstrates, the cast and blown film apparatus are not functional equivalents. If such were the case, there would be no need to have such different manufacturing technologies.

While they are described in the patent literature as film manufacturing options, there is not the suggestion, as the Examiner has indicated, that one would not be functionally preferable/ or required over the other, depending on the manufacturing challenges presented by a particular concept .

With specific reference to the patents cited by the Examiner, it should be noted that WO 98/58799 does not suggest the use of multi-manifold dies for different composition materials, or materials having different desired performance attributes (such as a film and foam) for particular use in forming composites for personal care products. While the Kobylivker reference describes the use of multilayered barrier films for use in medical-barrier type products, produced by either blown or cast formation processes, it does not suggest the preference for one in forming a breathable film/ absorbent foam material for use in personal care products. While the McBride reference describes a backsheet of polyolefins, and that it may be either blown film or cast film constructed, the backsheet is a monolayer film, as opposed to a multilayered material of two materials (such as a film and foam) having differing raw material characteristics and differing desired performance attributes.

Likewise, while the Winter reference is directed to a multilayered bag of a polyester, it certainly does not describe a personal care product, nor does it suggest use of a multi-manifold die for delivering raw materials with differing manufacturing requirements and desired end attributes to a personal care product via a film and a foam.

Applicant therefore respectfully submits that that there is no suggestion either by individual references or in combination, for a process for forming composites for use in personal care products as claimed, and therefore such rejection should be withdrawn.

Finally, by way of the same Office Action, the Examiner has rejected claims 19-22 under 35 U.S.C. § 103 (a) as being unpatentable over DE 19653608, WO 98/58799, Kobylivker et al., McBride, and Winter, and further in view of Datta et al. (US Patent 5,695,376) and Hunter et al. (US 5,810,800).

This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims. As the Applicant has previously indicated, the art references do not teach or suggest, (nor is there motivation to combine the references to suggest) the use of a cast multi-manifold die for use in producing a two layered sheet of film and foam having varied properties, and for use in forming an absorbent personal care product. Furthermore, there is no motivation to combine the earlier described references, with the Datta and Hunter references. Even if one were to combine them with the teachings of Datta and Hunter, one would not arrive at the claimed invention for the following reasons.

Applicant does not believe that either the Datta or Hunter references allude to a cast film process for forming a film/foam composite. Further, with respect to claims 21-22, it is not believed that the references teach joining two parts together and then sealing them at an edge seam. Additionally, the Datta reference uses a thermoforming process, but with a different product outcome. For at least these reasons, Applicant respectfully submits that the Examiner's rejection should be withdrawn, as the references in combination do not describe, teach or suggest each aspect of the amended claims. Likewise, none of the references teach or suggest the subject matter of new claims 23 and 24 directed to methods of making composites for a diaper.

Finally, an additional IDS is being submitted herewith which lists the additional literature cited in this action. Applicant respectfully requests the Examiner submit a record of his consideration of such IDS references.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. However, should the Examiner feel that issues remain unresolved, he is encouraged to call the undersigned at :(770)-587-8646.

Version with Markings To Show Changes Made

In the Claims:

The claims have been amended as follows:

18. (Twice Amended) A method of making a composite for absorbent personal care products comprising the steps of co-extruding a film composition with [a] an absorbent foam composition from a multiple-manifold cast film die, to form a composite material with either a filled or inherently breathable film, and an absorbent foam.

20. (Amended) The method of claim 18 further comprising the steps of making said composite material into an approximately rectangular shape, and thermoforming said composite in a mold having a shape, for a time and under heat and pressure sufficient to cause said composite to maintain the shape of said mold.

21. (Twice Amended) The method of claim 20 further comprising the step of joining at least two [parts] edges of the material and sealing a seam formed by said at least two [parts] edges of said material after joining the two [parts] edges of the material.

22. (Amended) The method of claim 21 wherein said edge seam is sealed ultrasonically.

Additionally, the following new claims have been added:

23. A method of making a composite for a diaper, comprising the steps of co-extruding a film composition with an absorbent foam composition from a multiple-manifold cast film die, to form a composite material with either a filled or inherently breathable film, and an absorbent foam; making appropriate cutouts in the composite for legs; and thermoforming said composite in a mold having a shape, for a time and under heat and pressure sufficient to cause said composite to maintain the shape of said mold.

24. The method fo claim 23, further including the step of joining at least one additional nonwoven layer to at least one side of said composite material.

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Respectfully submitted,

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CERTIFICATE OF MAILING

I, Steven D. Flack, hereby certify that on June 9, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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